



(2) The Appeals Board finds the claimant has established by a preponderance of credible evidence that his current need for medical treatment and temporary total disability benefits resulted from a work-related accident. The evidence established that on July 1, 1994, claimant injured his knee when he ran into a cart left in front of a door after the lights had gone out due to a power failure. He received treatment but continued to work. According to a co-worker he limped at work. Medical records relating to examination on August 1, 1994, by Dr. Buller, indicate claimant returned, concerned because after a month he was still having pain, stiffness and soreness in his knee.

The dispute in this case stems from a later incident which occurred while claimant was visiting his uncle's home. Claimant and others began taking turns at shooting baskets with a basketball. Claimant started to jump to catch the basketball. As he applied pressure to his knee, it gave out and he fell to the ground. Respondent contends this later incident, not work related, is the cause for his need of temporary total disability benefits.

The Appeals Board disagrees. The medical records, specifically the report of Dr. Tisdale, dated October 27, 1994, tie claimant's need for medical benefits to the work-related injury. Dr. Tisdale performed surgery for a torn anterior cruciate ligament. Dr. Tisdale's letter report suggests two possibilities. According to Dr. Tisdale, claimant may have torn the ligament in the injury at work and completed the tear when he flexed to jump. He may, on the other hand, have completely torn the ligament in the work-related incident. In either case he believes the ligament was torn in a work-related accident. The Appeals Board finds that this medical evidence, together with claimant's testimony, establishes more probably than not, claimant's need for the medical treatment, including surgery, and related temporary total disability resulted from his work-related injury.

#### **AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the November 16, 1994 Preliminary Order by Administrative Law Judge George R. Robertson should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of February, 1995.

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BOARD MEMBER

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BOARD MEMBER

c: Scott J. Mann, Hutchinson, KS  
Edward D. Heath, Jr., Wichita, KS  
George R. Robertson, Administrative Law Judge  
George Gomez, Director